

07th September, 2022 1. Counsel for the petitioner present. Mr. Muhammad Adcel Butt, Addl. AG alongwith Hafiz Muhammad Ibrahim, Director E&SE for the respondents present.

2. Learned AAG recorded statement which is placed on file. Learned AAG stated on Oath that to redress the grievance of the petitioner, the department has held a DPC meeting, minutes of which were still awaited. He requested for 10 days adjournment so as to produce copy of the notification in compliance of the judgment of this Tribunal.

3. In view of the statement of learned AAG, let salary of the Director E&SE be released. Respondents are directed to submit compliance report on 14.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

14th Sept, 2022

Junior to counsel for the appellant present. Mr. Naseer Ud Din Shah, SO (litigation) and Mr. Bahramand Khan, AD (Litigation) for respondents present

Representative of the respondents submitted copy of notification No. SO (PE)E&SED/7-13/Court Cases/Litigation which is placed on file. Learned counsel for the appellant seeks time to go through the notification. To come up for further proceedings on 27.10.2022 before S.B.



(Kalim Arshad Khan)
Chairman



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587

Dated Peshawar the September 13th, 2022

NOTIFICATION

No. SO(PE)E&SED/7-13/Court Cases/Litigation:

WHEREAS Mr. Babar Khan was promoted to the post of Headmaster (BS-17) on regular basis vide Government of Khyber Pakhtunkhwa E&SE Department Notification No. SO(PE) 2-6/E&SE/DPC Meeting/2010 dated 27-03-2010, and adjusted in GHS Sur Kamar, Khyber Agency respectively.

2. AND WHEREAS Prior to this the appellant was appointed as SET (Now SST) BS-15 vide Directorate of Education FATA Endst. No. 36918-47 A-I-AT-IV dated 27-11-1985.

3. AND WHEREAS The appellant was allowed move over to BS-17 through SO (FATA) Education Wing Governor's Secretariat Letter No. SO (FATA)/Edu:/5-1/2004 (Move Over B-16/17) dated 12-04-2004, and that on the approval of DPC he was allowed for selection grade from BS-16 to BS-17 vide Directorate of Schools and Literacy Khyber Pakhtunkhwa Endst. No. 4932-39/A-14/5/Grade/SETs dated 03-04-2007.

4. AND WHEREAS That, consequent upon the government of Khyber Pakhtunkhwa E&SE Department Notification No. SO(PE) 2-6/E&SE/DPC Meeting/2010 dated 27-03-2010, the appellant was promoted and posted as Headmaster BS-17 on regular basis on 31-03-2010 with immediate effect.

5. AND WHEREAS, the appellant filed appeal to the Appellate Authority i.e. Secretary E&SE Department, for grant of regular BS-17, w.e.f 15-09-2006 (As incharge Headmaster) instead of 31-03-2010.

6. AND WHEREAS, the Service Tribunal remitted his service appeal to the Appellate Authority to decide the same on merit strictly in accordance with law.

7. NOW THEREFORE, the Departmental Promotion Committee in its meeting held on 30-08-2022 thoroughly discussed the appeal and as per available record it was decided that the appellant is not entitled for promotion w.e.f. 15.09.2006 as being incharge Head Master one cannot claim the post held as a regular incumbent until and unless he is promoted through appropriate forum.

**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No. & Date

Copy forwarded to the:

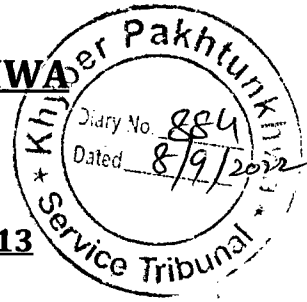
1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer Khyber.
4. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
5. Mr. Barbar Khan, Ex-Head Master GHS Sur Kamar Jamrud Khyber.
6. Section Officer (Lit-II) E&SE Department.
7. Office order file.

(MUHAMMAD ISHAQ) 13/9/22
SECTION OFFICER (PRIMARY)

N.D. 14/9/2022

03129048088

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.



Execution Petition No. 44/2020 out of Service Appeal No: 520/2013

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others.....Applicants.

VERSUS

Babar Khan Ex-HM District Khyber.....Respondent.

APPLICATION FOR RELEASE OF THE MONTHLY SALARY OF THE RESPONDENT NO. 3/DIRECTOR E&SE KHYBER PAKHTUNKHWA.


Respectfully Sheweth :-

The Respondent No. 3/Director E&SE submits as under:-

- 1 That** the title case was pending for implementation of the Judgment dated 24-08-2015 before this Honorable Court on the last date of hearing the salary of Respondent No.3/Director E&SE was attached for non-appearance (in person) of the Director E&SE before this Honorable Court.
- 2 That** Director E&SE could not appear before this Honorable Court due to urgent & important official meeting in Islamabad & as a result thereof salary of the Director E&SE was attached by this Honorable Court.
- 3 That** in compliance of the Court directions Director E&SE appeared in person before this Honorable Court on date of hearing which was fixed on 07-6-2022 and recorded his statement before this Honorable Court with regard to the implementation of the judgment in question. Whereupon, this Honorable Court was kind enough to adjourn the titled case to the next date of hearing for implementation of compliance report before the Court.

In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to release the monthly salary of the Respondent No. 3/Director E&SE in the interest of justice please.

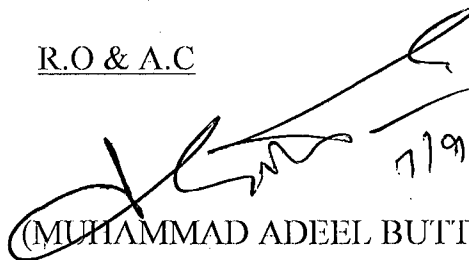
Dated: 08-9-2022.



DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 3)

STATEMENT OF MR. MUHAMMAD ADEEL BUTT, ADDITIONAL
ADVOCATE GENERAL ON BEHALF OF THE RESPONDENTS.

Stated on Oath that to redress the grievance of the petitioner, the department has held a Departmental Promotion Committee meeting, the minutes of which were awaited. I request the Tribunal to grant 10 days adjournment so as to produce a copy of the notification in compliance of the judgment of the Tribunal.

R.O & A.C


17/9/2022
(MUHAMMAD ADEEL BUTT)
Additional Advocate General


CHAIRMAN 07/09/2022
K.P Service Tribunal.

26.04.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

As per order sheet dated 06.01.2022 Director E&SE Khyber Pakhtunkhwa was directed to appear in person with proper implementation report but today no one is present on behalf of the respondents. Fresh notices be issued to them for submission of proper implementation report. Learned counsel for the petitioner seeks adjournment. Adjourned. To come up for implementation report on 15.07.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

15.07.2022

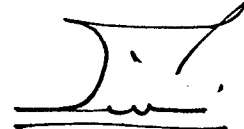
Junior of learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

As is evident from order sheet dated 06.01.2022, Director E&SE Khyber Pakhtunkhwa was issued notice to appear in person but he failed to appear before the court even today. The court is constrained to take coercive measures and to order attachment of salary of the Director E&SE. Office of the Registrar Service Tribunal is directed to send copy of this order sheet to Accountant General Khyber Pakhtunkhwa, Peshawar for compliance. Adjourned. To come up for compliance and implementation report on 07.09.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

18.11.2021

Learned counsel for the petitioner present. Mr. Haseen Ullah, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and produced copy of letter dated 15.11.2021 stating that the implementation of the judgment to be carried out soon. Adjourned. To come up for submission of implementation report before the S.B on 06.01.2022.



(Salah-Ud-Din)
Member (J)

06.01.2022

Clerk of counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG alongwith Faheemullah, S.O (Litigation) for the respondents present.

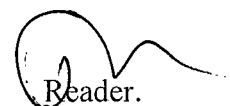
Despite repeated directions implementation report was not submitted. It was on 05.07.2021 when Legal Representative of the Director E&SE was directed to inform the incumbent Director to appear in person before the Tribunal but till today he did not appear. As such Director, E&SE Khyber Pakhtunkhwa Peshawar be noticed to attend the Tribunal in person with proper implementation report on 21.02.2022 before S.B.



(Rozina Rehman)
Member (J)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.04.2022 for the same as before.



Reader.

17.08.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

The needful as per directions given in the previous order has not been done. Learned AAG is once again required to get the incumbency of the office of the Secretary E&SE Government of Khyber Pakhtunkhwa, Peshawar from 25.08.2015 till date. Similarly, Director, S&SE Khyber Pakhtunkhwa, Peshawar shall also be put on notice alongwith copy of order dated 05.07.2021 to appear in person alongwith incumbency of the Directors for the above mentioned period. The needful shall be done on or before the next date. Case to come up on 20.10.2021 before S.B.


Chairman

20.10.2021

Petitioner in with counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Haseenullah, Assistant for the respondents present.

Learned AAG on instructions from departmental representative states that the case for antedated promotion of the petitioner has been sent to the concerned quarter for the implementation of the judgment and the needful be accompanied very soon. He states that the incumbencies of the officers required vide previous order will be provided if the needful is not done in due course of time. Case to come up on 18.11.2021 before S.B.


Chairman

Babar Khan EP 44/19

05.07.2021 Counsel for the petitioner and Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present and heard.

The petitioner in pursuance of the judgment dated 24.08.2015 passed by this Tribunal in service appeal No. 520/2013 has filed the present implementation/execution petition on 31.01.2019. The operative part of the judgment in the simplest term means that the appeal of the present petitioner seeking antedated promotion was deemed similar to an already decided case of Din Muhammad, Head Master duly referred in the judgment under execution; and without touching the merits, a question was referred to the departmental authority whether promotion of appellant can be ante-dated. Consequently, the case was remitted back to the appellate authority to go through the record and the present case (case of the petitioner) and that of stated case of Din Muhammad and to decide the appeal on merits strictly in accordance with law. It is highly astonishing that the appellate authority who-so-ever it was, and if it is the Secretary to the Government of Khyber Pakhtunkhwa E&SE Peshawar, has not been able to decide a very simple matter referred for application of mind by the said appellate authority without any restriction. This speaks a lot about the inefficiency of the higher authorities of the Education department who are responsible to check the efficiency of the Human Resource of Department throughout of the province. Learned AAG is required to get the incumbency of the office of the Secretary to Government of Khyber Pakhtunkhwa E&SE Peshawar from 25.08.2015 till date from the concerned department and submit the same before this Tribunal on the next date. Similarly, Mr. Baseer Ullah, Legal Representative of Director E&SE is directed to inform the incumbent Director to appear in person before this Tribunal on next date alongwith incumbency of the Directors for the above mentioned period. To come up for implementation and information report on 17.08.2021 before S.B.

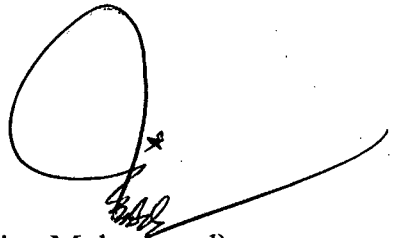

Chairman

11.03.2021

Counsel for the petitioner present. Asst: AG alongwith
Mr. Hussain Ahmad, Focal Person for respondents present.

Representative of the respondents informed that the
identical case of Din Muhammad has referred in the Service
Tribunal judgement dated 24.08.2015 ^{not} could be dugout being
related to District North Waziristan. He committed on the bar
that conclusive implementation report shall be submitted on the
next date.

Adjourned to 18.05.2021 before S.B.



(Mian Muhammad)
Member (E)

18.05.2021

Due to demise of the Worthy Chairman, the Tribunal is
non-functional, therefore, case is adjourned to
05.07.2021 for the same as before.



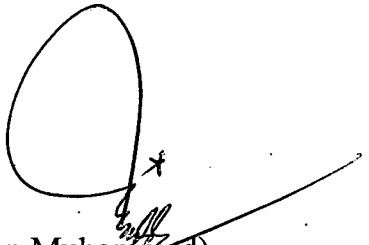
Reader

30.12.2020

None for the petitioner present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Hayatullah, AD (Litigation) for respondents present.

As per statement of the Assistant Director (Litigation) *meeting of* DPC for the purpose has been held on 29.12.2020 and implementation/execution report will be submitted within two weeks. He is directed to submit proper implementation report positively on the next date.

Adjourned to 18.01.2021 before S.B.


(Mian Muhammad)
Member(E)

18.01.2021

Petitioner present through counsel.

Noor Zaman Khattak learned District Attorney alongwith Waheed Gul ADEO for respondents present.

As per record, implementation report was not submitted despite repeated directions, therefore, this Bench is left with no option but to issue directions for appearance of respondents No.1 & 2 alongwith entire record and proper implementation report, for 11.03.2021 before S.B.


(Rozina Rehman)
Member (J)

22.09.2020

Counsel for the petitioner and Addl. AG alongwith Manzoor Khan, Assistant for the respondents present.

Once again the requisite implementation report has not been submitted by the respondents. The matter of progress in the case of petitioner is also not clear, therefore, the respondent No. 1 shall be issued notice for personal appearance alongwith the relevant record in order to apprise this Tribunal regarding latest development.

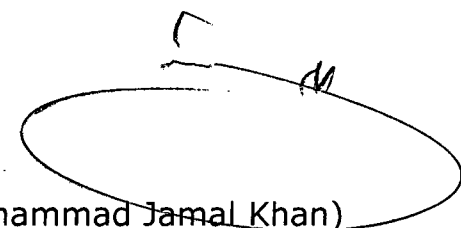
Adjourned to 05.11.2020 for which date office shall positively issue requisite notice alongwith copy of instant order to respondent No. 1.


Chairman

05.11.2020

Junior counsel for petitioner is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Manzoor Khan, Assistant, for the respondents are also present.

Implementation report not submitted. Representative of the department is seeking time. File to come up for implementation report on 30.12.2020 before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

06.08.2020

Mr. Mir Zaman Khan Safi, Advocate for the petitioner is present. Mr. Kabirullah Khattak, Additional AG alongwith M/S Muhammad Irfan, Assistant

According to the learned Additional AG respondents have correspondence with the Secretary Elementary and Secondary Education Peshawar, for giving effect to the judgment of this august Tribunal but response there from has not been received yet, he pointed out that no representative of the Secretary Elementary and Secondary Education is in attendance because Secretary concerned has not been made party in the present appeal. The perusal of record with reference to the judgment of this august Tribunal dated 24.08.2015 would reveal that the case was remitted to the appellate authority to go through the record of the present case and that after stated case of Dil Muhammad and to decide the appeal on merit strictly in accordance with law but that very appeal has not been decided and the matter is lingering on since long. Therefore, respondents are directed to put in concerted efforts in giving effect to the judgment of the Tribunal by submission of implementation report positively on 22.09.2020 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

31.03.2020


Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.


Reader

23.06.2020

Counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Muhammad Irfan Assistant present. Other representatives are absent. Notice be issued to the representatives.

Implementation report was not submitted. From the order sheet dated 06.01.2020, it is evident that as per statement of the respondents, the requisite record had been sent to the office of Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar on 02.12.2018 but till today nothing was brought on record, therefore respondents are directed to submit implementation report positively on 06.08.2020 before S.B.


Member

EP 44/19

06.01.2020

Counsel for the Petitioner and Addl. AG alongwith Irfanullah, Assistant and Muhammad Shafique, Senior Clerk and Fawad Afzal, Senior Clerk for the respondents present.

The representative of respondent No. 1 states that the requisite record has been sent to the office of Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar on 02.12.2018.

The concerned officers are expected to expedite the implementation process and submit implementation report on next date of hearing. Adjourned to 19.02.2020 before S.B.

Chairman



19.02.2020

None present on behalf of the petitioner. Mr. Kabirullah Khattak, Additional AG alongwith M/S Sajid, Superintendent and Irfan, Assistant for the respondents present.

Implementation report not submitted. Learned Additional AG requested for further time to furnish implementation report. To come up for implementation report on 31.03.2020 before S.B. Notices be also issued to petitioner and his counsel for attendances for the date fixed.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


15.10.2019

Counsel for the petitioner and Addl. AG alongwith Fazle Subhan, S.O, Muhammad Hayat, A.D, Sajid Superintendent and Fawad Afzal, Senior Clerk for the respondents present.

The representative of respondent No. 2 states that the service record of petitioner ^{will} be positively handed over to the office of Secretary, Elementary & Secondary Education within a fortnight while the representative of concerned Secretary undertakes to set in motion the proforma promotion case of petitioner immediately upon receipt of requisite record from respondent No. 2.

Adjourned to 26.11.2019 before S.B for further proceedings.

26.11.2019

Counsel for the petitioner present.  Mr. Usman Ghani, District Attorney alongwith Mr. Irfan, Assistant for respondent No.1, Mr. Fawad Afzal, Senior Clerk for respondent No.2 and Mr. Muhammad Shafique, Senior Clerk for respondent No.3 present.

The representative of respondent No.2 states that the requisite record has been handed over to the office of respondent No.1 on 18.11.2019 for further submission to the office of Secretary, Elementary and Secondary Education Department Peshawar. Mr. Fazal Subhan, SO (Litigation), E&SE Department, Peshawar present before the Tribunal in connection with other cases, undertakes to process the case of the petitioner as soon as it is received from the office of respondent No.1.

Adjourned to 6.01.2020 for further proceedings before S.B.


Chairman

E.P.No. 44/2019.

01.07.2019

Counsel for the petitioner present. Neither implementation report has been submitted by the respondents nor representative of the department is present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit implementation report on the next date positively. Adjourned to 22.08.2019 for implementation report before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

22.08.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith M/S Irfanullah, Assistant and Fawad Afzal, Clerk for the respondents and stated that implementation report is in process. Adjourned to 19.09.2019 for implementation report before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

19.09.2019

Counsel for the petitioner and Addl. AG alongwith Irfanullah, Assistant and Sajid Superintendent for the respondents present.

The representative of respondent No. 1 states that the respondent No. 2 is custodian of the record relevant for implementation of the judgment.

✓ Notice, therefore, shall be issued to respondent No. 2 for 15.10.2019. On the next date the relevant record shall be produced before this Tribunal if not already handed over to respondent No. 1.

Chairman 

10.04.2019

Counsel for the petitioner and Mr. Zia Ullah learned Deputy District Attorney on behalf of respondents present.

The judgment under implementation required the re-decision of departmental appeal of petitioner by the appellate authority. It was passed on 24.08.2015, however, till date, has not been complied with. In the circumstances respondent No.2 shall be issued notice for personal appearance on 15.05.2019 in order to apprise the Tribunal regarding implementation of judgment.

Adjourned to 15.05.2019 before S.B


Chairman

15.05.2019

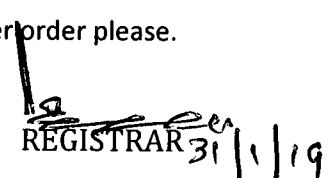


M/S Hayat Assistant Director representative of respondent No.2 and Sohail Assistant representative of respondent No.3 present. Hayat Assistant Director representative of respondent No.2 stated that the appellate authority of the appellant is Secretary Education and not Director Education. Neither the appellant nor his counsel present. Adjourn. To come up for further proceedings on 01.07.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 44 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.1.2019	<p>The execution petition of Mr. Abrar Khan submitted by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 31/1/19</p>
2-		<p>This execution petition be put up before S. Bench on <u>S-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	05.03.2019	<p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report for 10.04.2019 before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 44 /2019
In
Appeal No.520/2013

BABAR KHAN

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE NO.
1-	Memo of petition	1- 2.
2-	Affidavit	3.
3-	Judgment	A	4- 7.
4-	Application	B	8.
5-	Vakalat nama	9

PETITIONER/APPLICANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE
MOBILE NO.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. _____/2019

In

Appeal No.520/2013

Mr. Babar Khan, Head Master (BPS-17),
GHS Jamrud, District Khyber.

.....PETITIONER

VERSUS

- 1- The Director Education (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Education, Tribal District, FATA Secretariat, Warsak Road, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING
THE RESPONDENTS TO OBEY THE JUDGMENT IN
LETTER AND SPIRIT

R/SHEWETH:

- 1- That the petitioner filed Service appeal bearing No. 520/2013 before this august Service Tribunal for the grant of Anti dated promotion with effect w.e.f. 29.08.2006 instead of 31.3.2010.
- 2- That the appeal of the petitioner was finally heard by this august Tribunal on 24.08.2015 and was decided in favor of the petitioner vide judgment dated 24.08.2015 with the view that ***"On perusal of the record, a copy of the said judgment of the case of Dil Muhammad Headmaster, decided by this Tribunal on 3.12.2009 was found. This was not disputed that the appellant was made as I/C Headmaster on 14.09.2006. Contention of the appellant is that he was entitled for promotion from this date, therefore, his promotion may be ante-dated. Per contention of learned counsel for the appellant, the instant appeal is being identical with the case of Dil Muhammad which appeal was allowed by this Tribunal. The question involved which may come forth would be one of discrimination. Hence without going into details as to whether promotion of the appellant can be ante-dated, we would remit the case to the appellate authority to go through the***

record of the present case and that of stated case of Dil Muhammad and to decide the appeal on merit strictly in accordance with law". Copy of the judgment is attached as annexure..... **A.**

- 3-** That after obtaining copy of the judgment the petitioner submitted the same alongwith an application to the Department for his claim but the respondent Department is not willing to obey the judgment and till date the respondents have not been allowed/issued back benefits to the appellant. Copy of the application is attached as annexure.....**B.**
- 4-** That the petitioner has no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the judgment dated 24.08.2015 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

PETITIONER

BABAR KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

&

**MIR ZAMAN SAFI
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. _____/2019

In

Appeal No.520/2013

BABAR KHAN

VS

EDUCATION DEPTT:

AFFIDAVIT

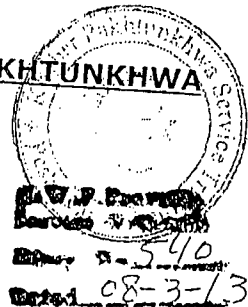
I Noor Mohammad Khattak, Advocate on behalf of the petitioner, do hereby solemnly affirm that the contents of this **implementation petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


NOOR MOHAMMAD KHATTAK
ADVOCATE

A-4

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR

Appeal no 520 /2013



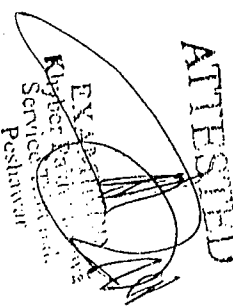
Mr. Babar Khan, Head Master (BPS-17),
GHS Jamrud, Khyber agency..... APPELLANT

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road Khyber Pakhtunkhwa Peshawar.
- 2- The Director of Education (FATA), Khyber Pakhtunkhwa Peshawar.
- 3- The Secretary Finance Department, Khyber PukhtunKhwa Peshawar..... RESPONDENTS

Ex parte
25-10-2013
Restored
11-12-13
Restored
17-2-14

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR THE GRANT OF ANTI DATED PROMOTION WITH EFFECT (W.E.F) FROM 29.8.2006 INSTEAD OF 31.3.2010 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD



Prayer:

That on acceptance of this appeal the respondents may very kindly be directed to grant anti-dated promotion to the appellant i.e. regular BPS-17 from 29.8.2006 instead of 31.3.2010 with all consequential benefits and seniority. Any other remedy which this august tribunal deems fit that may also be awarded in favor of appellant.

8/3/13

Respectfully Sheweth:

The appellant submits are as under:-

ATTESTED
[Signature]

5

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	24.08.2015	<p data-bbox="435 606 1129 682" style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p data-bbox="571 708 922 746" style="text-align: center;">Service Appeal No. 520/2013</p> <p data-bbox="443 772 1034 848" style="text-align: center;">Babar Khan Versus Addl Chief Secretary, FATA, Peshawar etc.</p> <p data-bbox="547 873 707 912" style="text-align: center;"><u>JUDGMENT</u></p> <p data-bbox="419 937 1129 1192">PIR BAKHSH SHAIK, MEMBER.- Appellant with counsel (Mr. Noor Muhammad Khattak) and Government Pleader (Mr. Muhammad Jan) with Daud Jan, Superintendent for the respondents present.</p> <p data-bbox="411 1268 1129 1574">2. The appellant was regularly promoted as SET (BPS-17) on 31.3.2010. Prior to that he had been placed as I/C Headmaster (OPS) on 14.09.2006. This appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 is for ante-dated promotion.</p> <p data-bbox="403 1651 970 1689">3. Arguments heard and record perused.</p> <p data-bbox="395 1765 1114 2211">4. The learned counsel for the appellant submitted that an identical case of Dil Muhammad Versus Government of N.W.F.P (KPK) through Secretary Education, Schools & Literacy, Peshawar etc." (Appeal No. 643/2009) has already been allowed by this Tribunal and on the principle of consistency this appeal may also be accepted. Reliance was placed on 2009-SCMR-1. It was</p>

ATTESTED



6

further stated that the appellant, during the course of proceedings, has since retired from service on attaining the age of superannuation but as the question of monetary benefits is involved for which he is entitled, therefore, this appeal may be accepted.

5. Learned Government Pleader resisted this appeal on the ground of limitation and that promotion in case of a retired civil servant cannot be ante-dated. Reliance was placed on 2006-PLC(C.S)1034. It was also argued that as the appellant has been made as I/C Headmaster on the basis of own pay scale, therefore, the question of ante-dation would not arise.

6. On perusal of the record, a copy of the said judgment of the case of Dil Muhammad Headmaster, decided by this Tribunal on 3.12.2009 was found. This was not disputed that the appellant was made as I/C Headmaster on 14.09.2006. Contention of the appellant is that he was entitled for promotion from this date, therefore, his promotion may be ante-dated. Per contention of learned counsel for the appellant, the instant appeal is being identical with the case of Dil Muhammad which appeal was allowed by this Tribunal. The question involved ^{which} may come forth would be one of discrimination. Hence without going into details as to whether promotion of the appellant can be ante-dated, we would remit the case to the

121

ATTESTED

⑤

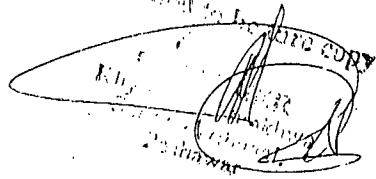
⑦

appellate authority to go through the record of the pres at case and that of stated case of Dil Muhammad and to decide the appeal on merit strictly in accordance with law. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
24.8.2015.

Sd/- P. S. Bahadur, Clerk
Sd/- Akmal Latif, Member

Certified to be true copy



ATTESTED

[Signature]

Date of the month 28 8 2015
Number 1600
10
10
Date of Completion 1-9-2015
Date of Delivery of 1-9-2015

2/201

[Handwritten notes]

یہ درخواست بڈ ایئر کیلکٹر ایجوکیشن ٹائٹا، خیبر پختونخوا ایسٹ اور

درخواست برائے منظوری حکم عدالت / سرویس ٹریبونل کے لیے

B-8

جناب عالی! برائے سائل حسب ذیل عرض رکھتا ہوں:

... کہ سائل کچھ تعلیم ٹائٹا میں بطور ہیڈ ماسٹر (BPS-17) ڈیوٹی کر رہا تھا۔

دیتا تھا۔

... کہ سائل نے خیبر پختونخوا ایجوکیشن ٹریبونل کے فیصلے میں اپنی تشریح کی ہے

اسل نمبر 2013/2015 دائر کیا تھا۔ چونکہ سائل کو مورم 29.8.2006 کو بجائے 31.3.2010 میں دیا گیا تھا۔ جبکہ سائل کا حق 29.8.2006 سے بنتا تھا۔

... کہ سائل کا اپیل مورم 24.8.2015 کو سائل نے حق میں منظور کیا۔

ATTESTED

(Signature)

گذاشتہ ہے کہ قبلاً سرویس ٹریبونل کے فیصلے کو منظور کر کے تمام تشریحات فراہم کر دیے گئے اور اصلاحات صادر فرمائے جائیں۔

11/10/2015

(Signature)

Note Attached service Technical U.PK for ready reference.

سائل بابر خان، سابق ہیڈ ماسٹر (BPS-17)، گورنمنٹ ہائی سکول ایجوکیشن، خیبر پختونخوا

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

_____ OF 2019

Babar Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Babar Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 08/01/2019

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

&

MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No. **0345-9383141**

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Application No. 11/1911

Appeal No. *582* ... of 20 *13*

..... *Mr. Babar Khan* Appellant/Petitioner

Versus

..... *Director Education (E.O.S.E) Peshawar* Respondent

Respondent No. *I*

Notice to:

Director Education (E.O.S.E) Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *10-9-2013* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Application
Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this *19/9*

Day of *Monday* 20 *13*

Ample evidence in support

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *501/1921*
Appeal No. *501/1921* of 20*23*
..... Appellant/Petitioner
Versus
..... Respondent
Respondent No. *.....*

Notice to: *.....*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *.....* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. *.....* dated *.....*

Given under my hand and the seal of this Court, at Peshawar this *19/11/23*

Day of *19/11/23* 20*23*

.....

.....
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *10/14/13*

Appeal No. of 20'3.

.....Appellant/Petitioner

Versus

.....Respondent

Respondent No. 3

Notice to:

Secretary, Peshawar District Court
Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this.....
Day of.....20

Implementation report

25/12/19

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

10.11.19
11/11/19

Appeal No..... *502* of 20 *13*.

..... Appellant/Petitioner
Versus
..... Respondent

Respondent No.....

Notice to:

Handwritten notice text

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... *15.11.19* at **8.00 A.M.** If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this..... *19/11/19*.....

Day of..... *April*..... 20 *18*.

Handwritten signature

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Appeal No..... of 20/

Appellant/Petitioner

Versus

Respondent

Respondent No.....

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20 .

[Handwritten signature]
5/8/19

**Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *Application No. 19/1910*
Appeal No. *530* of 20 *13*
M. Babar Khan (P/S-17) Appellant/Petitioner
S. H. Javed (Director F&A (East) Peshawar) Respondent
Respondent No. *3*

Notice to: *Secretary Finance Deptt Peshawar*
Ref: 10/12/13

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *09-07-2013* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *5th*.....

Day of.....20*13*

Secretary Finance
Khyber Pakhtunkhwa
P. Javed
6/8/13

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appelation No. 411/1918
Appelation No. *520* of 20 *13*.

Mr. Babar Khan Head Master (PDS-17)
G.H.S. Jinnah, District Mardan
Director Education District Peshawar
Respondent

Respondent No. *2*

Notice to: - *Director Education District*
FATA Jinnah Road Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *15-10-2019* at 8.00 A.M. If you wish to urge anything against the appellat/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *20th*.....

Day of *Sat*.....20 *19*

For information record and
copy of order sheet dt 19-10-2019
attached.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.



**DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA**

PHONE: 091-9210929, 9210930
9210437, 9210957, 9210460
FAX 091-9210936

NO. _____
A-112

/ DATED 15-10-2019

To

The Section Officer (Litigation)
Elementary and Secondary Education
Department Khyber Pakhtunkhwa.

Subject: **REQUEST FOR IMPLEMENTATION OF SERVICE TRIBUNAL
JUDGMENT DATED 28/08/2015/ EXECUTION PETITION
NO.44/2019.**

I am directed to enclose herewith a copy of the Service Tribunal Judgment in service appeal No. 520/2013 i.e, Mr. Babar Khan Ex-Head Master (District Khyber) Vs Director Elementary and Secondary Education Department Khyber Pakhtunkhwa & Others on the subject cited above with the remarks to kindly implement the decision of the Service Tribunal as the executive petition is in process against the department.


Assistant Director (Litigation)

Endst: No. 4894-98 /-

Copy to:

1. Registrar Service Tribunal Khyber Pakhtunkhwa.
2. PA to Director Elementary Secondary Education Khyber Pakhtunkhwa.
3. PA to Director Education Merged Areas.
4. Establishment Branch (Local Directorate).


Assistant Director (Litigation)



DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
Khyber Pakhtunkhwa, Peshawar.

No. 210-6/1000 (11) Dated Peshawar the 2/11/2018

To

The Section Officer (Lit II)
E&SE Department, Khyber Pakhtunkhwa,
Peshawar.

Subject:-

REQUEST FOR SUBMISSION OF RECORD FOR IMPLEMENTATION OF SERVICE TRIBUNAL JUDGMENT DATED 28/08/2019 IN SERVICE APPEAL NO 520/2013 BABAR KHAN HEAD MASTER V/S GOVT OF KHYBER PAKHTUNKHWA & OTHERS.

Memo

I am directed & to enclose herewith a letter dated 18/11/2019 of the Assistant Director Litigation Merged Districts E&SE Khyber Pakhtun Khwa Peshawar on the subject noted above which is self explanatory is hereby submitted for necessary action please.

Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

Endst: No: _____
Copy forwarded for information to the :-
1 Assistant Director Litigation Merged Districts Wask-rhod Peshawar.
2 PA to Director, local Directorate.

Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Execution Petition
APPEAL No. *66* of 20 *19*
S.B

.....
Mr. Babar Khan
Appellant/Petitioner

Versus

Recd
.....
The Director (E&SE) Peshawar
RESPONDENT(S)

Notice to Appellant/Petitioner ✓
.....
Mr. Babar Khan
.....
Head Master (BPS-17)
.....
GHS Jamrud Distt. Khyber

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *31/3/2020* at *9:00 am*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. Execution Petition 44 of 20 SB
19

Mr. Babar Khan Apellant/Petitioner

Versus

The Director (E&SE) Peshawar RESPONDENT(S)

Notice to Appellant/Petitioner

Advocate
Mr. Mohammad
Khanjani Advocate
Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

31/3/2020 9: am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Aravind
Advocate
?

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

513

Appeal No. Execution Petition 44 of 20 19
Appellant/Petitioner

Mr Babar Ishaq Versus

The Director Education Respondent
Respondent No. 1

Notice to: —

The Director Education
Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....26.....

Day of.....June.....20



**Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. 83

No.

Execution Petition 44 of 20 19
Appeal No..... of 20 19

Mr. Babar Khan Appellant/Petitioner

Versus
The Director Edu Peshawar Respondent

Respondent No..... 2

Notice to: —

The Director FATA Education
Warsak Road Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 6/8/2020..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in appeal/petition will be deemed to be your correct address, and further notice posted to address by registered post will be deemed sufficient for the purpose of this appeal/petition.

E.P.C.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 25/11.....

Day of..... June 20 20



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

Execution Petition 44 of 20 19
Appeal No. of 20 19

Mr. Babar Khan Appellant/Petitioner

Versus
The Director Edu Peshawar Respondent

Respondent No. 3

Notice to: —

The Secretary Finance
Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 6/8/2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

V.P ✓

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 26th

Day of..... June 20 20



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

Handwritten notes in Urdu script at the top of the page, including a date "23-1-2018" and other illegible text.

Assistant Director (Legal II)
 Legal Department
 Ministry of Education
 Islamabad

Copy to be:-
 1. AD (Legal II) - Government
 2. PA to Director

Assistant Director (Legal II)
 Legal Department
 Ministry of Education
 Islamabad

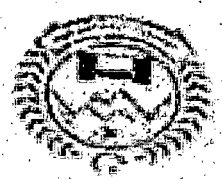
I am directed to refer to the letter dated 18/11/2017 in this regard and to inform that the subject matter of the said letter is being dealt with in the file of the Government of Punjab dated 28/8/2018 of the Tribunal being a complaint, submitted by the

SUBMISSION OF RECORD IN CR NO. 44/2018 UNIT OF SERVICE APPEAL IN SEQUENTIAL
BABAR KHAN vs. HIL KHAN vs. GOVT

The Section Officer (Legal II)
 Legal Department, Ministry of Education
 Islamabad

No. 31/11/18
 Dated Islamabad the 31/11/2018

RECEIVED THE LEGAL DEPARTMENT OF MINISTRY OF EDUCATION
 ISLAMABAD
 31/11/2018



Ministry of Education
 Government of Punjab



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,

9210437, 9210957, 9210468

Fax 091-9210936

No 8261
18/11

To

Immediate / Court Case

The Director
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject. REQUEST FOR IMPLEMENTATION OF SERVICE TRIBUNAL
JUDGEMENT DATED 28-08-2019.

Memo:-

I am directed to refer to the subject noted above and to enclose herewith (In-original) Section Officer (Litigation-II) letter No. SO(Lit-II) E&SED/1-3/S.A#520/2013/Babar Khan Dated 11/11/2019, the case of Service Appeal No.520/2013 title Babar Khan Ex-Head Master District Khyber Vs Director Elementary and Secondary Education and Others may be routed through your office.

Hence, all the relevant record is hereby submitted for onward submission to quarter concerned for implementation of Service Tribunal Judgment dated 28-8-2019 in letter and spirit. The next hearing date is fixed on 26-11-2019.

"This is most urgent"

Endst: No. 826263

Soor
Assistant Director (Lit:)
Merged Districts

Copy forwarded to:-

1. SO (Litigation-II) w/r to his letter referred above
2. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.

Soor
Assistant Director (Lit :)
Merged Districts

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2802 /ST

Dated 29 / 9 / 2020


To

The Director E&SE Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ORDER IN EXECUTION PETITION NO. 44/2019, MR. BABAR KHAN.

I am directed to forward herewith a certified copy of order dated 22.09.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 158-59/ST

Dated 25 / 01 / 2021


To

1. The Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar .
2. Director Education, Tribal District, FATA Secretariat,
Government of Khyber Pakhtunkhwa,
Warsak Road Peshawar.

SUBJECT: - **ORDER IN EXECUTION PETITION NO. 44/2019 MR. BABAR KHAN.**

I am directed to forward herewith a certified copy of order dated 18.01.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

o/c



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1726 / ST

Dated: 01/09 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: ORDER IN EXECUTION PETITION NO. 44 /2019 MR. BABAR KHAN.

I am directed to forward herewith a certified copy of order dated 17.08.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

No. 01 /DD-II/DD-I/DD(F)/
Court Cases
Dated Peshawar the 15/11 /2021

To

The Secretary,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: **SUBMISSION OF WORKING PAPERS.**

Memo:

Your kind attention is invited to the above noted subject and to enclose herewith seven sets of working papers along with other connected / relevant documents in respect of the following mentioned Officials for your kind perusal and further necessary action, please.

S.No.	Name & Designation, W.P No./COC No./SA No.	Responsibility	Contact No.
1	Working paper i-ro Muhammad Ismail SET GMS Landi Akhun Abad presently working as Headmaster at GMS Garhi Sikandar Khan Peshawar. (EP No. 128/2010 out of SA No. 183/2009)	Deputy Director (Estb. Male-I)	03469133169
2	Combined working paper i-r-o i. Said Kamal Ex-SST GHS Hemlet District Swabi. ii. Kifayat-ur-Rehman Ex-SST (Now working as Headmaster)	Deputy Director (Estb. Male-I)	03469133169
3	Working paper in-r-o Hafiz-ur-Rehman SST GHS Shohal Mazullah District Mansehra. (WP No. 887-A/2018)	Deputy Director (Estb. Male-I)	03469133169
4	Working paper in-r-o Babar Khan Ex-Headmaster BS-17 GHS Sur Kamar District Khyber. (EP No. 44/2019 out of SA No. 520/2013)	Deputy Director (Estb. Male-II)	03369485169

Encl. As above

Deputy Director (Estt. Male-II)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endstt. No. _____

Dated Peshawar the ___/___/2021

Copy forwarded for information to the:

1. Deputy Director (Legal) E&SE Deptt. Khyber Pakhtunkhwa, Peshawar.
2. PA to Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. Master File.

Deputy Director (Estt. Male-II)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. 8.B

No.

Appeal No. E.P. 44 of 20 19

Babab Khan Appellant/Petitioner
Versus

The Director Education (E.D.S.E) Peshawar
Respondent No. 1

Notice to: —

The Director Education (E.D.S.E)
KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of ~~appeal~~ is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....
Day of.....20

for Implementation Report
June 22

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. S.B

No.

Appeal No. E.P. No. 44 of 2019

Babax Khan Appellant/Petitioner

Versus

The Director Education (ERIE) KPK Respondent

Respondent No. 2

Notice to: —

The Director Education Tribal Distr:
FATA Secretariat Wazir Road
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/7/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

EP ✓

~~Copy of appeal is attached.~~ Copy of EP appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 15th.....

Day of..... June..... 2022

for Implementation
Report

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD
PESHAWAR. S.B

No.

Appeal No. E.P. No. 44 of 20 19

Babax Khan Appellant/Petitioner

The Director Education (ERSE) KPK Respondent

Respondent No. 3

Notice to: The Secretary Finance Deptt. KPK
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/7/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of ^{E.P} appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 9th Day of June 20 22

for Implementation
Report
Secy: Finance Deptt
Dairy No: 276
Date: 27/6

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same to that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

No. 01 /DD-II/ED-I/DD(F)/
Court Cases
Dated Peshawar the 15/11/2021

To

The Secretary,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: SUBMISSION OF WORKING PAPERS.

Memo:

Your kind attention is invited to the above noted subject and to enclose herewith seven sets of working papers along with other connected / relevant documents in respect of the following mentioned Officials for your kind perusal and further necessary action, please.

S.No.	Name & Designation, W.P No./COC No./SA No.	Responsibility	Contact No.
1.	Working paper i-r-o Muhammad/Ismael SET GMS Landi Akhun Abad presently working as Headmaster at GMS Garhi Sikandar Khan Peshawar. (EP No. 128/2010 out of SA No. 183/2009)	Deputy Director (Estb. Male-I)	03469133169
2.	Combined working paper i-r-o i. Said Kamal Ex-SST GHS Hemlet District Swabi. ii. Kifayat-ur-Rehman Ex-SST (Now working as Headmaster)	Deputy Director (Estb. Male-I)	03469133169
3.	Working paper in-r-o Hafiz-ur-Rehman SST GHS Shohal Mazullah District Mansehra. (WP No. 887-A/2018)	Deputy Director (Estb. Male-I)	03469133169
4.	Working paper in-r-o Babar Khan Ex-Headmaster BS-17 GHS Sur Kamar District Khyber. (EP No. 44/2019 out of SA No. 520/2013)	Deputy Director (Estb. Male-II)	03369485169

Encl. As above

[Signature] 11/11/2021
Deputy Director (Estt. Male-II)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endstt. No. 18/11/2021 Dated Peshawar the 15/11/2021

Copy forwarded for information to the:

1. Deputy Director (Legal) E&SE Deptt. Khyber Pakhtunkhwa, Peshawar.
2. PA to Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. Master File.

[Signature]
Deputy Director (Estt. Male-II)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar